
IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEWART L. UDALL, SECRETARY OF THE INTERIOR,
AND THE STATE OF ALASKA,

Appellants

v.

ANDREW J. KALERAK, ET AL.,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

BRIEF FOR STEWART L. UDALL,
SECRETARY OF THE INTERIOR

EDWIN L. WEISL, JR.,
Assistant Attorney General.

RICHARD L. McVEIGH,
United States Attorney,
Anchorage, Alaska, 99501.

GERALD J. VAN HOOMISSEN,
Assistant United States Attorney,
Anchorage, Alaska, 99501.

FILED

AUG 24 1967

WM. B. LUCK, CLERK

ROGER P. MARQUIS,
WILLIAM M. COHEN,
Attorneys, Department of Justice,
Washington, D. C., 20530.

AUG 25 1967

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IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Nos. 21629, 21629A

STEWART L. UDALL, SECRETARY OF THE INTERIOR,
AND THE STATE OF ALASKA,

Appellants

v.

ANDREW J. KALERAK, ET AL.,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

BRIEF FOR STEWART L. UDALL,
SECRETARY OF THE INTERIOR

OPINION BELOW

The district court's unreported opinion appears at pages 207-223 of the record. The decision of the Secretary of the Interior is reported at 73 I.D. 1 and appears at pages 7-28 and 177-198 of the record.

JURISDICTION

The district court granted summary judgment for the appellees on October 31, 1966 (R. 224-225). The court had

jurisdiction under 28 U.S.C. secs. 1361 and 1391(e).^{1/} Notices of appeal were filed by Stewart L. Udall, Secretary of the Interior, on November 16, 1966, and by the State of Alaska on December 12, 1966 (R. 226, 231). Jurisdiction of this Court rests on 28 U.S.C. sec. 1291.

QUESTIONS PRESENTED

1. An application selecting land filed by the State of Alaska was accepted by the local land office, posted on the public land records, and notice given by publication. The first question on appeal becomes: whether this selection, so long as it remained of record, segregated the land from subsequent appropriation.

2. The original application for selection was filed and recorded when the land was withdrawn. After the land was released, the State, during its exclusive statutory preference

^{1/} The district court and appellees asserted jurisdiction under the Administrative Procedure Act, 5 U.S.C. sec. 701, et seq formerly 5 U.S.C. sec. 1009 (R. 1, 207). Such a position might find possible support in language of this Court in Coleman v. United States, 363 F.2d 190 (1966), affirmed on rehearing, June 20, 1967, after joinder of the Secretary of the Interior as a party defendant at the suggestion of the court which mooted the case on this issue. We do not agree with this Court's statements in Coleman. Copies of the Government's brief on rehearing in that case have been sent to opposing counsel in the instant case.

period, amended its original application to include additional land. The second question on appeal becomes: whether the Secretary of the Interior could reasonably regard the amendments as a reaffirmation and refiling of the original application.

STATUTES AND REGULATIONS INVOLVED

Act of July 7, 1958, 72 Stat. 339-352 (48 U.S.C.) sec.

6(b) provides in pertinent part:

The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection:

Section 6(g) provides in pertinent part:

* * * Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective * * * during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, * * *.

43 C.F.R. § 2222.9-5 (1966) provides in pertinent part:

(b) Segregative effect of applications.
Lands desired by the State under the regulations of this part will be segregated from

all appropriations based upon application or settlement and location, including locations under the mining laws, when the State files its application for selection in the appropriate land office properly describing the lands as provided in § 2222.9-3(c)(1) (iii), (iv), and (v).

STATEMENT

Appellees brought this action in the district court to overturn a decision of the Secretary of the Interior rejecting their individual applications for certain tracts of land in Alaska (R. 1). The land in controversy is located in Townships 11 and 12 North, Ranges 1 and 2 West, Seward Meridian, Alaska (R. 8). No dispute exists over the facts stated in the Secretary's and the court's decisions. Both sides filed motions for summary judgment (R. 130, 136, 156). The district court granted appellees' motion (R. 224).

The critical facts of this case lie in the following chronological order of events:

1. On March 29, 1949, by Public Land Order 576, 14 F.R. 1614, the land was withdrawn from appropriation by the United States (R. 8, 208).

2. On January 8, 1963, the State of Alaska filed an application (A-058566) for the selection of the land pursuant to section 6(b) of the Act of July 7, 1958, 72 Stat. 339, 48

U.S.C. pp. 9026-9027 (R. 9, 208). The selection was posted in the appropriate land and status records (R. 9).

3. On April 8, 1963, by Public Land Order 3022, 28 F.R. 3661, the Secretary of the Interior revoked the withdrawal of the land and released it for appropriation (R. 9-10, 208). The order provided that Alaska be given a 90-day preference period (to July 8, 1963) to claim the land in accordance with section 6(g) of the Act of July 7, 1958, 72 Stat. 339, 48 U.S.C. pp. 9026-9027.

4. During the 90-day period (between April 8, 1963 and July 8, 1963) Alaska did not file a new claim; however, it amended the original application to include additional land^{2/} (R. 9, fn. 4, 22-25, 208, 221). (Appellees make no claim to the additional land.) The State published notice of its application and amendments for five consecutive weeks in accordance with 43 C.F.R. sec. 2013.9-4. (App. infra, pp. 27-29.)

2/ The application and amendments thereto and published notice are printed in the Appendix, infra, pp. 18-29.

5. Between May 27, 1965 and June 17, 1965, appellees filed notices of location of settlement or occupancy claims of some of the land embraced in the State's original application (R. 7, 208).^{3/}

On these facts, appellees' locations were rejected. The local office of the Bureau of Land Management refused to accept appellees' notices for recordation on the grounds that Alaska's selection segregated the lands from subsequent appropriation (R. 2). The Bureau of Land Management, on appeal, reversed the local land office decision on the grounds that the State's application was invalid because it was filed when the land was withdrawn from the public domain (R. 29-31). The Secretary of the Interior, in an appeal by the State, affirmed the decision of the local land office and reversed the Bureau of Land Management on the grounds that Alaska's application--the first application of record--segregated the land from any further

^{3/} Kalerak's application of May 27, 1965, for example, stated that he made a settlement under the homestead laws on May 26, 1965. As to improvements to the land, he asserted on his application (R. 11): "None when I settled. I have staked each corner, marked the boundaries, post [sic] the land with a copy of this notice, and placed cement blocks on the land for a start of a foundation."

appropriation; moreover, the Secretary concluded, Alaska's application was valid (R. 7-28). The district court reversed the decision of the Secretary of the Interior on the grounds that the State's application was invalid (R. 207-223). Judgment was entered on appellees' motion for summary judgment (R. 24). From that judgment, the Secretary of the Interior and the State of Alaska appealed (R. 226, 231).

SPECIFICATION OF ERRORS

1. The district court erred in entering judgment for appellees and not granting summary judgment for appellants.
2. The district court erred in reversing the administrative determination of the Secretary of the Interior.
3. The district court erred in asserting jurisdiction under the Administrative Procedure Act.
4. The district court erred in holding that the application for selection filed by the State of Alaska--the first application of record--did not segregate the land described therefrom from subsequent appropriation by the appellees.
5. The district court erred in holding that the application for the selection of land filed by the State of Alaska was invalid.

6. The district court erred in failing to accord any weight to the administrative decision.

SUMMARY OF ARGUMENT

I

The State of Alaska pursuant to the Act of its admission filed an application selecting certain land. The selection was regularly allowed and posted in the appropriate land and status records, and notice by publication was made. While this selection was of public record, the appellees attempted to establish claims to the land. Their claims were rejected by the Secretary of the Interior because Alaska's earlier-filed application for selection segregated the land from subsequent claim by appellees. It is a fundamental principle of public land law that an initial selection or entry, regardless of its validity, when regularly allowed on the public records, segregates that land from subsequent claim.

The district court reversed the administrative determination of the Secretary of the Interior on the grounds that the State's selection was invalid and therefore it could not segregate the land from appellees' claims. This reasoning is erroneous. In essence, the segregation principle is based upon

an application or entry being of public record, and not upon its validity. That is, the rule is based on what the record shows and not whether entries were properly made in the record. Indeed, it is well established that an invalid entry, when made of public record, segregates that land from later entry until it is removed from the records. Thus, the Secretary of the Interior correctly rejected appellees' claims since the public land records showed an earlier selection.

II

In any event, the Secretary did not act arbitrarily in holding valid the State's application. The State filed its application for selection on withdrawn land. When the land was released the State had an exclusive 90-day statutory preference period to select the land. During this period, it amended its application to include additional land, and notice by publication was given. All this was before the appellees established or attempted to establish any claims to the land. The Secretary of the Interior interpreted the amendments as a reaffirmation and revival of the original application in much the same way that a codicil can revive a will. Requiring the State to make another paper filing of the same application would have been a

useless formality. Thus, the Secretary concluded, Alaska's selection was valid.

No possible advantage could be gained by the State in filing an application on withdrawn land since it had a 90-day statutory preference period during which only it could claim the land. Certainly if the State were no longer interested in its original selection, it would have filed new applications for the additional land and not amendments. Further, the notice by publication covered the land described in the original application and in the amendments. The district court implied that had the amendments specifically re-described the land originally described in the original application, then the selection of that land would have been valid. Its quarrel with the State's actions was thus one purely of procedure, not of substance.

Moreover, the court, in reversing the decision of the Secretary of the Interior, was substituting its judgment for that of the Secretary's. This is something strictly forbidden. The Secretary's decision was supported by the evidence, in accord with the statute, and reasonable. It should have been affirmed.

ARGUMENT

I

THE PUBLIC LAND RECORDS SHOW SELECTION BY THE STATE AND THUS CLOSED THE LAND TO SUBSEQUENT ENTRY

The State's application was allowed and filed by the ^{4/} local land office, posted in the tract books and published. It was a matter of public record for all to see (R. 9, 11). As such it segregated the land from any subsequent claim or entry. Until that selection would be taken off the tract books, any subsequent claims could have no effect. Thus appellees' entries, on the lands, made at a time when the State's selection was on the records, were accordingly rejected by the Department of the Interior (R. 14-18). The tract book principle applies even if the initial prima facie valid selection or entry is subsequently declared void--the land remains segregated until that entry has ^{5/} been cancelled or set aside. Hastings and Dakota Railroad Co.

^{4/} The tract books ~~are~~ the official record of federal public surveyed lands upon which entries showing all disposals, partial or complete, are made.

^{5/} This principle is formally restated by departmental regulation at 43 C.F.R. sec. 2222.9-5(b) (1966).

v. Whitney, 132 U.S. 357, 360-364 (1889); Hodges v. Colcord, 193 U.S. 192, 194-196 (1904); McMichael v. Murphy, 197 U.S. 304, 310-313 (1905); Holt v. Murphy, 207 U.S. 407, 412-415 (1908); Bunker Hill Co. v. United States, 226 U.S. 548, 549-550 (1913); James v. Germania Iron Co., 107 Fed. 597 (C.A. 8, 1901); Southern Pac. R. Co. v. Ambler Grain & Milling Co., 66 F.2d 670 (C.A. 9, 1933); United States v. Central Illinois Public Service Co., 365 F.2d 121 (C.A. 7, 1966); Joyce A. Cabot, 63 I.D. 122 (1956); R. B. Whitaker, 63 I.D. 124 (1956); State of Arizona, 55 L.D. 249 (1935); Keating v. Doll, 48 L.D. 199 (1921); Youngblood v. New Mexico (on rehearing), 46 L.D. 109 (1917).

In Hastings Railroad Co., 132 U.S. at 361-364, the Court referring to the segregation rule as "one of the fundamental principles underlying the land system of this country," stated (also quoted in Hodges, 193 U.S. at 196):

In the light of these decisions the almost uniform practice of the department has been to regard land, upon which an entry of record valid upon its face has been made, as appropriated and withdrawn from subsequent homestead entry, preemption settlement, sale or grant until the original entry be cancelled or declared forfeited; in which case the land reverts to the government as part of the public domain, and becomes again subject to entry under the land laws.

* * * * *

* * * if, notwithstanding these defects [in making an entry], the application is allowed by the land officers, * * * and the entry is made of record, such entry may be afterwards cancelled on account of those defects. * * * But these defects, whether they be of form or substance, by no means render the entry absolutely a nullity. So long as it remains a subsisting entry of record, whose legality has been passed upon by the land authorities, and their action remains unreversed, it is such an appropriation of the tract as segregates it from the public domain, and therefore precludes it from subsequent grants.

The failure of the district court to apply the tract book principle in this case rests upon its conclusion that Alaska's selection was void. This we believe, was error for two reasons. First, regardless of its validity, the segregation principle applies. As the cases cited above well illustrate, that principle is not based upon the validity of the initial entry or selection, but upon that entry or selection being the one of public record. Second, as we show in Point II, infra, the Secretary was not arbitrary in holding Alaska's selection to be valid.

To validate appellees' entries, as the district court has done, would countervene over a century of Interior practice

and judicial decisions. It would be unjust to allow appellees to seize an advantage over others who abided by the Department's practice and judicial decisions and who may not have attempted to initiate any claim to the land because of the existence of the State's selection of record. Accordingly, the Secretary determined that the land office properly rejected appellees' notice of settlement and occupancy made when the State's selection was on the public land records (R. 14-18).

II

ALASKA SELECTED THE LAND WHEN IT FILED AMENDMENTS TO ITS ORIGINAL APPLICATION

The State of Alaska filed its original application on withdrawn land. After the land was released, the State amended its application four times to include additional land (R. 9, fn. 22-25, 208, 221). The State's first two amendments were made within its preference right period and the other two thereafter. The land described in the original application and in the amendments was included in notice by publication (R. 11). This was before appellees ever sought to establish any rights to the land. The amendments had the effect of a reaffirmation and refiling of the original application. The Secretary of the Interior stated (R. 25):

Here the State has at all times shown its intention to acquire the selected lands and it would have served no useful purpose to require it to file a duplicate of the application already on file.

Therefore we conclude that the amendments filed by the State during and after the preference right period were reaffirmations of the State's original selection and, in the circumstances, are to be treated as though the State had refiled its original application at the time of the amendments.

Thus, with the filing of amendments, the original application was revived and the land in controversy selected. Clearly, the filing of amendments during the preference period demonstrated that the State had exercised its preference right. For the Department of the Interior to have insisted upon a new filing to replace the State's original application would have been a mere formality. See, Hunt v. Utah, 59 I.D. 44, 47 (1945); Trott v. Northern Pacific Ry. Co., 45 L.D. 193, 196 (1916); California v. Koontz, 32 L.D. 648 (1904), 33 L.D. 643 (1905). Indeed, under the facts of this case, the issue approaches merely one of labeling. The district court admitted that had the State designated its amendments as application for the original area, and specifically re-described the land originally described in

the original application, it would have conformed to the statutes. Certainly, if the State did not intend to reaffirm its original selection, it would have filed a new application for the additional land and not amendments to the original application. In a somewhat analogous situation, it is established that an invalid will can be revived by a duly executed codicil and the will and codicil are regarded as one instrument speaking from the date of the codicil. Cline v. Larson, 234 Ore. 384 (1963), 383 P.2d 74, 87-89; 95 C.J.S. Wills §303 (1957).

Clearly, no inequity resulted by allowing the State to file its application on withdrawn land. No one could be prejudicially affected when the land was released because the State had an exclusive statutory preference period of 90 days during which there could be no other applicant for the land.

Finally, the decision of the Secretary of the Interior in this matter is, in no sense of the terms, arbitrary or capricious. It was certainly reasonable to construe the amendments as a reaffirmation of the original application, just as a codicil can revive a will. Even granting that the Secretary's construction was not the only reasonable one, it was a reasonable one and should be upheld. Udall v. Tallman, 380 U.S. 1 (1965); Boesche v. Udall, 373 U.S. 472 (1963); Best v. Humboldt Mining Co., 371 U.S. 334 (1963).

CONCLUSION

For the foregoing reasons, the district court erred in reversing the decision of the Secretary of the Interior. The judgment should be reversed.

Respectfully submitted,

EDWIN L. WEISL, JR.,
Assistant Attorney General.

RICHARD L. McVEIGH,
United States Attorney,
Anchorage, Alaska, 99501.

GERALD J. VAN HOOMISSEN,
Assistant United States Attorney,
Anchorage, Alaska, 99501.

ROGER P. MARQUIS,
WILLIAM M. COHEN,
Attorneys, Department of Justice,
Washington, D. C., 20530.

AUGUST 1967

CERTIFICATE OF EXAMINATION OF RULES

I certify that, in connection with the preparation of this brief, I have examined Rules 18, 19 and 39 of the United States Court of Appeals for the Ninth Circuit, and that, in my opinion, the foregoing brief is in full compliance with those rules.

William M. Cohen
WILLIAM M. COHEN

APPENDIX

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS
344 Sixth Avenue
Anchorage, Alaska
January 7, 1963

Bureau of Land Management
Anchorage Land Office
Sixth and Cordova
Anchorage, Alaska

Ref: S-1209
(City of Anchorage
Watershed)

Gentlemen:

Under the provisions of the Act of July 7, 1958, Section 6 (b) and pursuant to Chapter 169, SLA 1959 application is hereby made for the land described on the attached sheet. (See Exhibit A.)

In support of the application, the applicant hereby certifies that:

This selection is being made under and pursuant to the laws of the State of Alaska, specifically, under the authority of Article II, Section 5 (12), Chapter 169, SLA 1959.

The area described contains approximately 26,800.00 acres. The cumulative acreage of all prior selection lists pending and finally approved for clear-listing or patenting totals 11,919,929.99 acres, and does not exceed the 102,550,000 acres allowed by law.

No portion of the selected land is occupied for any purpose by the U.S., and to the best of my knowledge and belief, the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant.

The land applied for does extend for more than 160 rods along the shore of any navigable water, and it is requested that this restriction be waived.

There are no known medicinal, hot springs or other waters known to the applicant on the selected lands.

Sincerely yours,

/s/ Roscoe E. Bell
ROSCOE E. BELL, Director

SDL:

cc: Phil R. Holdsworth, Comm., Dept. of Natural Resources

Page 1

Exhibit A

S.-1209

Anch. 058566

6.1 General Grant Selection (Act of July 7, 1958) Section 6(b)

State of Alaska
Division of Lands
344 Sixth Avenue
Anchorage, Alaska

(City of Anchorage Watershed)

T. 11 N., R. 2 W., Seward Meridian (Unsurveyed)

Sec. 1 (That part outside Chugach National Forest)
Sec. 2 All
Sec. 11 All
Sec. 12 (That part outside Chugach National Forest)

T. 12 N., R. 1 W., Seward Meridian (Unsurveyed)

Sec. 30 (That part West of the divide between Ship Creek
and Campbell Creek)

T. 12 N., R. 2 W., Seward Meridian (Unsurveyed)

Sec. 7 All	Sec. 23 All
Sec. 8 All	Sec. 24 All
Sec. 9 All	Sec. 25 All
Sec. 15 All	Sec. 26 All
	Sec. 27 All

xxxx

xxxxxxxxxx

Sec. 16 All
Sec. 17 All
Sec. 18 All
Sec. 19 All
Sec. 20 All
Sec. 21 All
Sec. 22 All

Sec. 28 All
Sec. 29 All
Sec. 33 All
Sec. 34 All
Sec. 35 All
Sec. 36 All (That part west
of the divide between Ship
Creek and Campbell Creek)

Approx. Total 17,800 acres

The above lands withdrawn by Paragraph 4, PLO - 576

Page 2

Exhibit A

S-1209

Anch. 058566

6.1 General Grant Selection (Act of July 7, 1958) Section 6(b)

State of Alaska
Division of Lands
344 Sixth Avenue
Anchorage, Alaska

(City of Anchorage Watershed)

<u>T. 12 N., R. 1 W., Seward Meridian (Unsurveyed)</u>		
Sec. 19:	$W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$	120.00
<u>T. 12 N., R. 2 W., Seward Meridian (Unsurveyed)</u>		
Sec. 3:	$SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, $S\frac{1}{2}$	520.00
Sec. 4:	All	640.00
Sec. 5:	All	640.00
Sec. 10:	All	640.00
Sec. 11:	$NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$	320.00
Sec. 13:	$SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$	240.00
Sec. 14:	All	<u>640.00</u>
Total Approx.		3,760.00

The above described lands are presently segregated by the Bureau of Land Management request for withdrawal, Anchorage Serial Number A-042304

Page 3

Exhibit A

S-1209

Anch. 058566

6.1 General Grant Selection (Act of July 7, 1958) Section 6(b)

State of Alaska
Division of Lands
344 Sixth Avenue
Anchorage, Alaska

(City of Anchorage Watershed)

T. 11 N., R. 2 W., Seward Meridian (Unsurveyed)

Sec. 3	All	640.00	ac
Sec. 4	All	640.00	
Sec. 10	All	640.00	
Sec. 14	N $\frac{1}{2}$	<u>320.00</u>	
Total Approx.		2,240.00	

T. 12 N., R. 2 W., Seward Meridian (Unsurveyed)

Sec. 32	All	640.00	
---------	-----	--------	--

T. 12 N., R. 3 W., Seward Meridian (Unsurveyed)

Sec. 1	N $\frac{1}{2}$	320.00	
Sec. 2	E $\frac{1}{2}$	320.00	
Sec. 11	E $\frac{1}{2}$	320.00	
Sec. 12	All	640.00	

xxxx

xxxxxxxxxxxx

Sec. 13	All	<u>640.00</u>	
Total Approx.		2,240.00	

Total Approx. 26,800.00 ac

(Excluding any prior valid rights, claims or patented lands)

DATE

ACTION TAKEN

January 8, 1963

Application received.

STATE OF ALASKA

William A. Egan, Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LANDS

344 6th Avenue-Anchorage

March 12, 1964

Bureau of Land Management
Anchorage Land Office
Sixth and Cordova
Anchorage, Alaska

Ref: S-1209, City of
Anch. Watershed
Anch. 058566

Gentlemen:

Reference is made to State selection application, Bureau of Land Management, Anchorage 058566.

It has been brought to our attention that there are additional open lands within the general boundaries of the selection. The State of Alaska hereby requests that its application be amended to embrace all available lands within the following described townships:

T. 11 N., R. 2 W., SM

Sec. 4: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$
Sec. 5: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$
Sec. 7: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$
Sec. 8: All
Sec. 9: All
Sec. 18: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$

Containing Approx. 3,777.66 acres

Those lands described in BLM opening order dated Feb. 14, 1964.

Thank you for your co-operation.

Sincerely yours,

ROSCOE E. BELL, Director

By: /s/ John E. Friberg
John E. Friberg,
Acting Selection Officer

CMF:bm

cc: Lands & Minerals
Officer Records

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

William A. Egan, Governor

344 6th Avenue-Anchorage

March 13, 1967

Bureau of Land Management
Anchorage Land Office
Sixth and Cordova
Anchorage, Alaska

Ref: S-1209, A-058566
Anchorage Watershed

Gentlemen:

Reference is made to State selection application,
Bureau of Land Management, Anchorage 058566.

It has been brought to our attention that there are additional open lands within the general boundaries of the selection. The State of Alaska hereby requests that its application be amended to include those lands restored by P.L.O. 3314 within the following townships.

T. 11 N., R. 2 W., SM

T. 12 N., R. 1 W., SM

Approx. total unknown

Thank you for your co-operation.

Sincerely yours,

ROSCOE E. BELL, Director

By: /s/ John E. Friberg
John E. Friberg,
Acting Selection Officer

CMF:bm

cc: Lands & Minerals
Officer Records

STATE OF ALASKA

William A. Egan, Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LANDS

344 6th Avenue-Anchorage

April 5, 1963

Bureau of Land Management
Anchorage Land Office
Sixth and Cordova
Anchorage, Alaska

Ref: Anch. 058566, S-1209
(City of Anchorage
Watershed)

Gentlemen:

Reference is made to State selection application,
Bureau of Land Management, Anchorage 058566.

It has been brought to our attention that there are
lands which the State should have selected within the general
boundaries of the selection application. The State of Alaska
hereby requests that its selection application be amended to
include the following described lands:

T. 11 N., R. 2 W., Seward Meridian (Unsurveyed)

Section 14: S $\frac{1}{2}$ 320.00 Acres

(See Exhibit A Attached) 630.00

Containing Approx 950.00 Acres

Thank you for your co-operation.

Sincerely yours,

ROSCOE E. BELL, Director

By: /s/ John E. Friberg
John E. Friberg,
Acting Selection Officer

JEF:bm

cc: Lands & Minerals
Officer Records

STATE OF ALASKA

William A. Egan, Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LANDS

344 6th Avenue-Anchorage

May 23, 1963

Bureau of Land Management
Anchorage Land Office
Sixth and Cordova
Anchorage, Alaska

Ref: Anch. 058566, S-1209

Gentlemen:

Reference is made to State selection application,
Bureau of Land Management, Anchorage serial number 058566.

It has been brought to our attention that there are
lands which the State should have selected within the general
boundaries of the selection application. The State of Alaska
hereby requests that the selection application be amended to
include the following described lands:

T. 11 N., R. 2 W., Seward Meridian (unsurveyed)

Sec. 15: All

640.00 acres

(Excluding any prior valid rights, claims, or patented
lands)

Thank you for your co-operation.

Sincerely yours,

ROSCOE E. BELL, Director

By: /s/ John E. Friberg
John E. Friberg,
Acting Selection Officer

JEF:bm

cc: Lands & Minerals Officer
Records Section, Div. of Lands

NOTICE FOR PUBLICATION

Under the provisions of Section 6(b) of the Act of July 7, 1958 (72 Stat. 339-343), as amended, the State of Alaska on January 8, 1963, and subsequent amendments thereto, filed application Anchorage Serial Number 058566, for certain public lands, including the reserved or retained mineral estate from beneath patented lands, located near Anchorage, Alaska, more particularly described as follows:

T. 11 N., R. 2 W., S.M.

Sec. 1: All
Sec. 2: All
Sec. 3: All
Sec. 4: Lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$ (All)
Sec. 5: Lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$ (All)
Sec. 7: Lots 1, 2, 3, 4, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$ (All)
Sec. 8: All
Sec. 9: All
Sec. 10: All
Sec. 11: All
Sec. 12: All
Sec. 14: All
Sec. 15: All
Sec. 18: Lots 1, 2, 3, 4, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$ (All)

T. 12 N., R. 1 W., S.M.

Sec. 19: $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$
Sec. 30: All West of divide between Ship and Campbell Creeks - All land within $\frac{1}{4}$ mile of Ship Creek and Campbell Creek

T. 12 N., R. 2 W., S.M.

Sec. 3:	SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$
Sec. 4:	A11
Sec. 5:	A11
Sec. 7:	A11
Sec. 8:	A11
Sec. 9:	A11
Sec. 10:	A11
Sec. 11:	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 13:	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 14:	A11
Sec. 15:	A11
Sec. 16:	A11
Sec. 17:	A11
Sec. 18:	A11
Sec. 19:	A11
Sec. 20:	A11
Sec. 21:	A11
Sec. 22:	A11
Sec. 23:	A11
Sec. 24:	A11
Sec. 25:	A11
Sec. 26:	A11
Sec. 27:	A11
Sec. 28:	A11
Sec. 29:	A11
Sec. 33:	A11
Sec. 34:	A11
Sec. 35:	A11
Sec. 36:	All West of divide between Ship and Campbell Creeks

The above described lands contain a total of approximately 20,000 acres.

One purpose of this notice is to allow all persons claiming the lands adversely to file in this office their objections to issuance of patent to the State. Such persons must serve on the Director, Division of Lands, Department of Natural Resources,

State of Alaska, 344 Sixth Avenue, Anchorage, Alaska, a copy of their objections and furnish evidence of such service to the Anchorage District & Land Office, 555 Cordova Street, Anchorage, Alaska.

Notice is also given that the above described lands have, since these dates, been segregated from all applications and appropriations under the public land laws, including settlement under the homestead and similar laws and locations under the mining laws. Settlements and locations initiated on or after these dates are null and void.

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